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8 **United States District Court**
9 **Central District of California**
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11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 ALEXANDER SMIRNOV,

15 Defendants.
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Case № 2:24-cr-00091-ODW

**IN CAMERA PROCEEDINGS ON
EX PARTE EMERGENCY MOTION
TO BE PROVIDED WITH EYE
DROPS AND FOR IMMEDIATE
SURGERY, [DE-67]
ESSENTIALLY A MOTION FOR
RECONSIDERATION OF PRIOR
MOTION FOR MEDICAL
FURLOUGH OR TRANSPORT TO
SAN FRANCISCO FOR EYE
SURGERY**

21 On March 11, 2024, Defendant filed an Emergency Ex Parte motion for
22 medical furlough to receive eye surgery in San Francisco, and transport by the U.S.
23 Marshal's Service to said surgery as well as any follow-up appointments. After
24 consideration of that request as well as the government's response, the emergency
25 motion was denied on March 13, 2024. [DE-56]

26 On March 25, 2024, Defendant filed another emergency ex parte application for
27 reconsideration of the earlier denial. [DE-60.] After consideration of the request for
28 reconsideration the motion was again denied. [DE-63, March 26.]

1 On May 1, 2024, the Ninth Circuit affirmed the prior Order of this Court.
2 [DE-66.]

3 On May 10, 2024, Defendant filed the instant Emergency Ex Parte Application
4 renewing the prior motion, seeking (1) Provision of Pain-Reducing Eye Drops, and
5 (2) A Court Order Scheduling Eye Surgery Forthwith With A Government-Contracted
6 Doctor, or For A Medical Furlough Under 19 U.S.C. § 3142(i) For Eye Surgery With
7 Dr. H. George Tanaka. [DE-67.]

8 Having once again given further consideration of the earlier filings and
9 especially noting the Declaration of Sean F. Mulryne, co-counsel for the United
10 States, submitted in support of the government's opposition to the motion, in which
11 counsel states that surgery has been scheduled to take place in less than two weeks,
12 the instant motion is again **DENIED** as moot.

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14 **IT IS SO ORDERED.**

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16 May 15, 2024

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20 **OTIS D. WRIGHT, II**
21 **UNITED STATES DISTRICT JUDGE**
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